

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of New Century Telecom, Inc.
(U-5912-C) for Approval of Stock Purchase
Agreement and Related Transfer of Control.

Application 02-10-007
(Filed October 8, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING DIRECTING THE
APPLICANT TO RESPOND TO A PRIOR RULING**

Application (A.) 02-10-007 is a request to transfer control of New Century Telecom, Inc. ("Applicant"), pursuant to Pub. Util. Code Section 854(a).¹ On March 1, 2004, the assigned Administrative Law Judge (ALJ) issued a ruling ("Ruling") that directed the Applicant to file an amendment to A.02-10-007 that contained the information specified in the Ruling (the "amendment"). The amendment was due on March 19, 2004. The Ruling stated that failure to file the amendment could result in a recommended order denying A.02-10-007. No amendment was filed.

The Applicant shall file the amendment no later than April 21, 2004. If the Applicant fails to timely file the amendment, the assigned ALJ will issue a proposed decision that does the following:

- Dismisses A.02-10-007 for failure to prosecute.
- Deems the transfer of control, if it has already occurred, to be null and void under Pub. Util. Code Section 854(a).

¹ Section 854(a) provides that any transfer of control of a public utility must be approved by the Commission before the transfer occurs. Any transfer without Commission authority is void.

IT IS RULED that:

1. On or before April 21, 2004, Applicant shall file and serve an amendment to Application (A.) 02-10-007 that contains the information specified in the ruling issued by the assigned Administrative Law Judge on March 1, 2004.
2. The contents of the amendment shall be verified in accordance with Rule 2.4 of the Commission's Rules of Practice and Procedure.
3. Failure to file the amendment by April 21, 2004, will result in a recommended order that (i) dismisses A.02-10-007 for failure to prosecute, and (ii) deems the transfer of control of the Applicant, if it has already occurred, to be null and void under Pub. Util. Code Section 854(a).

Dated April 9, 2004, at San Francisco, California.

/s/ TIMOTHY KENNEY

Timothy Kenney
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Directing the Applicant to Respond to a Prior Ruling on all parties of record in this proceeding or their attorneys of record.

Dated April 9, 2004, at San Francisco, California.

/s/ KE HUANG for
TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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